

**WILLIAMSBURG PLANNING COMMISSION  
MINUTES  
Wednesday, August 14, 2002**

The regular monthly meeting of the Williamsburg Planning Commission was held on Wednesday, August 14, 2002, at 3:30 p.m. in the Council Chambers at the Stryker Building.

**CALL TO ORDER and ATTENDANCE**

Chairman Davis called the meeting to order. Present in addition to Mrs. Davis were Commissioners Scruggs, Smith, Freiling, Hertzler, Young and Friend. Also present were Planning Director Nester, City Attorney Phillips, Zoning Administrator Murphy and Secretary Scott.

**MINUTES**

Mr. Scruggs moved that the minutes of the May 15 regular meeting be approved as submitted. Mr. Freiling seconded the motion, which carried by roll call vote of 7-0.

**CONSENT AGENDA**

There were no cases on the consent agenda this month.

**PUBLIC HEARINGS**

**PCR #10-02: Request of Old Brandon Investment Company, LLC, to amend Chapter 21, Zoning, of the Williamsburg City Code, Section 21-707(e) [parking regulations], and Sections 21-736.1(a)(6), 21-741(a), 21-747(1)b.1, and 21-747(1)d [sign regulations]. These changes are in conjunction with the proposal to construct a Walgreen's Pharmacy at 120 Monticello Avenue (SunTrust building). The proposals would reduce the parking required for a freestanding pharmacy with drive-through window from one space per 200 square feet of floor area to one space per 400 square feet of floor area, and would allow a freestanding sign to be located on an adjacent property when there are shared parking and/or driveways for the adjacent properties. The Commission recommended approval by a vote of 7-0.**

Mr. Nester reviewed the request to amend the Zoning Ordinance parking regulations and sign regulations. He noted that the applicant states that these changes will allow for unified development of a property in divided ownership, thus providing more flexibility for development, but only for properties where a unified parking lot and driveway plan is established by recording a deed or easement. Mr. Nester said that approval by the Architectural Review Board would be required as well as final site plan approval by the Planning Commission. Representatives from both SunTrust and Old Brandon Investment Company were present for questions.

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Discussion points follow:

- Would be a reduction in parking spaces **only** for a freestanding business with a drive-thru window.
- There is no requirement for the drive-thru window to be open during specific hours, peak hours in particular.
- Future use would be limited since the site could not be used for retail without identifying additional parking.
- Concern was expressed with yet another sign being placed at corner of Monticello Avenue and Richmond Road.
- Two entrances would be off Garrison Avenue. The entrance that was used by SunTrust off Monticello Avenue would be closed.
- This proposal is at the conceptual site plan stage, and any site that's developed must meet stormwater management requirements for final site plan approval.

Chairman Davis opened the public hearing.

Ben Altshuler, 222 Virginia Avenue, expressed concern that the amendment to the sign regulations would be a blanket change, specifically that a sign would be permitted to be placed a distance away from the business it's advertising. He said consideration should be given to not just the square footage of a sign, but also the proportions and height of the sign. He urged the Commission to consider the implications of the change.

Thomas Johnson, developer with S.L. Nusbaum Realty Company, introduced himself and offered to respond to any questions the Commission or audience might have.

There being no additional public comment the public hearing was closed.

The Commission agreed to consider the two amendments separately with the parking regulations considered first. Mr. Scruggs moved that the Planning Commission recommend to City Council that the Zoning Ordinance be amended to reduce the parking requirement for a freestanding pharmacy with drive-through window from one space per 200 square feet to one space per 400 square feet. Commissioners expressed a desire to encourage commercial activity in the City, and specifically not to discourage such ventures with excessive parking requirements.

Mr. Young seconded the motion which carried by a vote of 7-0.

Recorded vote on the motion:

Aye:	Smith, Young, Freiling, Scruggs, Hertzler, Friend, Davis
No:	None
Absent:	None

Among comments made by Commission members:

- Consider that a special use permit be required, or require a Board of Zoning Appeals special exception.
- Discourage the creation of a line of signs along Richmond Road.

After discussion between City Attorney Joe Phillips and Planning Director Reed Nester, Mr. Phillips stated that the Commission could recommend approval of the amendment subject to the granting of a special exception by the Board of Zoning Appeals or a special use permit from Planning Commission.

Mr. Hertzler expressed concern about a sign at the Monticello Avenue and Richmond Road intersection and asked if it is really needed.

Mr. Scruggs said that although he supports the proposal as submitted, Mr. Altshuler's comments are good ones. Mr. Scruggs moved that Planning Commission recommend to City Council that the Zoning Ordinance be amended to allow, by special exception, a freestanding sign to be located on a contiguous property when there are shared parking and/or driveways established by easements approved as to form by the City Attorney.

Mr. Freiling seconded the motion which carried by a vote of 7-0.

Mr. Scruggs asked that the staff adjust the language for the Ordinance amendment to reflect the motion's inclusion of a special exception.

Bob Singley, representing SunTrust, stated that the sale agreement with Walgreens is contingent on signage being installed on Richmond Road. He added that there is also a time constraint. Mr. Johnson, S.L. Nusbaum Realty, confirmed that under the current contract a decision about the sign location needs to be made prior to September 16.

Recorded vote on the motion:

Aye:	Smith, Young, Freiling, Scruggs, Hertzler, Friend, Davis
No:	None
Absent:	None

**PCR #11-02: Request of Port Anne Owner's Association to amend the Port Anne PUD requirements by changing the architectural guidelines to cement board as well as wood siding. The present guidelines, approved on August 10, 1989, require that the predominant siding material be colonial beaded or lapped wood siding to be stained or painted. Port Anne is located on the west side of South Henry Street south, and is zoned PUD. The Commission recommended approval by a vote of 7-0.**

Mrs. Murphy reviewed the request to amend the Port Anne PUD requirements and noted that the restrictions of the Port Anne Architectural Guidelines, which are a part of the Zoning restrictions, override the City's Design Review Guidelines. The addition of "cement board siding" to the Port Anne Architectural Guidelines will make these guidelines consistent with what is required for other similar development in the City. She added that George Callis, president of the Port Anne Board of Directors is present today to respond to any questions.

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Chairman Davis opened the public hearing.

There being no comment the public hearing was closed.

Mr. Freiling stated that although he is a resident of the Port Anne community, there would be no conflict of interest since he will make an independent decision regarding the request.

Mr. Scruggs moved that the Planning Commission recommend to City Council that the Port Anne Architectural Guidelines be amended to add, "cement board siding" as an acceptable siding material.

Mr. Hertzler seconded the motion which carried by roll call vote of 7-0.

Recorded vote on the motion:

Aye:	Smith, Young, Freiling, Scruggs, Hertzler, Friend, Davis
No:	None
Absent:	None

**PCR #12-02: Amendment of Chapter 21, Zoning, of the Williamsburg City Code, Article VI, Signs, Sec. 21-749(a)(2.1), Signs prohibited in all sign districts. It is proposed to better define neon signs, which are prohibited in the City except for "open signs" which are allowed in the Corridor Sign District. The Commission recommended approval by a vote of 7-0.**

Mr. Nester reviewed the memorandum dated August 7, 2002 in which it is noted that the Sign Regulations in the City's Zoning Ordinance prohibit neon signs throughout most of the City and the term "neon" needs further clarification since a "neon" sign might actually use a gas other than neon.

Chairman Davis opened the public hearing.

There being no comment the public hearing was closed.

Mr. Young moved that the Planning Commission recommend to City Council that the Zoning Ordinance be amended to clarify the definition of a neon sign.

Mr. Freiling seconded the motion which carried by roll call vote of 7-0.

Recorded vote on the motion:

Aye:	Smith, Young, Freiling, Scruggs, Hertzler, Friend, Davis
No:	None
Absent:	None

## **OPEN FORUM**

Chairman Davis opened the Open Forum portion of the meeting encouraging comments from the audience on any topic.

There being no comment the Open Forum portion of the meeting was closed.

## **SITE PLANS AND SUBDIVISIONS - None**

## **OLD BUSINESS – None**

## **NEW BUSINESS – None**

## **OTHER**

### **Architectural Review Retroactive Approval**

Mr. Freiling, Planning Commission representative on the Architectural Review Board, stated that there have been a number of cases to come before the Review Board requesting retroactive approval for projects. He said it is apparent that many City residents aren't aware that their property is in a district requiring ARB review, and City staff will be taking a more proactive position to notify them of this requirement. Mrs. Murphy added that a list of new property owners will be obtained from the assessor and a notification letter will be sent to them. This will be an on-going procedure to reach out and assist owners with the process.

## **INFORMATION ITEMS**

- Report from City Council
- Planning Department Monthly Report
- Monthly Financial Statement

## **PUBLIC HEARINGS SCHEDULED FOR SEPTEMBER 18, 2002 - None**

The meeting adjourned at 4:50 p.m.

Marguerite Davis, Chairman  
Williamsburg Planning Commission